

## REMARKS

We are in receipt of the Office Action dated February 6, 2009, and the following remarks are made in light thereof.

Claims 76-78 and 80 are pending in the application. Pursuant to the Office Action, claims 76-78 and 80 are rejected under 35 U.S.C. 102(e) as being anticipated by Lingenfelder et al. US 6,558,380.

Lingenfelder et al. has an effective filing date of December 8, 2008. As noted by the Examiner, the provisional application Ser. No. 60/200,072, filed on April 27, 2000, to which Applicant has claimed the benefit of the filing date does not provide support for the subject matter called for in the pending claims. As noted by the Examiner, the provisional application "fails to disclose at least one internal jaw support member and an insulative cover sufficiently surrounding the internal jaw support member to prevent contact of the internal jaw support member with a selected ablation area, an opening disposed on the jaw assembly or in the insulative cover for receiving the conductive member, and each conductive member protruding through an opening in the respective insulative cover."

This subject matter is set forth in application Ser. No. 09/747,609, filed on December 22, 2000. Further, as set forth in the accompanying Declaration of Prior Invention pursuant to 37 C.F.R. 1.131, this subject matter was conceived and reduced to practice prior to December 8, 2000, the effective filing date of Lingenfelder et al.

Accordingly, Applicant respectfully submits that Lingenfelder et al. is not a proper reference with respect to the claimed subject matter and cannot be considered to be anticipatory of the pending claims.

Accordingly, reconsideration and allowance of the pending claims is respectfully requested.

Date: April 2, 2009

Respectfully submitted,

By Stephen B. Heller  
Stephen B. Heller  
Registration No. 30,181

Cook Alex Ltd.  
200 West Adams St.  
Suite 2850  
Chicago, IL 60606  
Telephone: (312) 236-8500